



#18  
Jewell  
PATENT  
3/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tomo UENO

Group Art Unit: 1762

Serial No.: 09/646,988

Examiner: Bret P. Chen

Filed: November 16, 2000

For: A METHOD FOR FORMING A FILM

RECEIVED  
MAR 24 2003  
TC 1700 MAIL ROOM

Commissioner for Patents  
Washington, D. C. 20231

Sir:

Applicant requests reconsideration of the rejections in the Office Action mailed November 26, 2002 in view of the following remarks.

Claims 1 to 11 stand rejected under 35 USC 103 as unpatentable over (1) Matsui et al. '630 or Ueno et al. '199 or (2) Yamazaki et al. '816. The Examiner, in his discussion of the rejections, asserts that the claimed subject matter would have been obvious to the person of ordinary skill in the art. Arguments in support of the patentability of the claims over the Matsui et al. '630 and

Ueno et al. '199 patents were presented in the Amendment filed September 23, 2002.

Applicant respectfully submits that the Yamazaki et al. '816 teaching is similar to the teachings of the other cited references and that claims 1 to 11 patentably define over all three patents.

Yamazaki et al. '816 discloses use of a gas mainly containing a rare gas such as helium, argon, xenon, neon, and krypton; see col. 15, lines 34 to 48. The reference does not teach the exclusivity as claimed here. Yamazaki et al. '816, moreover, discloses exciting the rare gas, helium or argon in particular, to a metastable state; see col. 6, lines 4 to 6. The present invention, in contrast, calls for exciting the molecules constituting the gas component, rather than the rare gas, to a metastable state by collisions between the gaseous molecules and the rare gas excited molecules.

Applicant also respectfully submits that Ueno et al. '199 does not teach generating a plasma of a mixture of a rare gas and another component such as oxygen. The cited sections of the patent do not support the Examiner's contrary assertion.

Serial No. 09/646,988

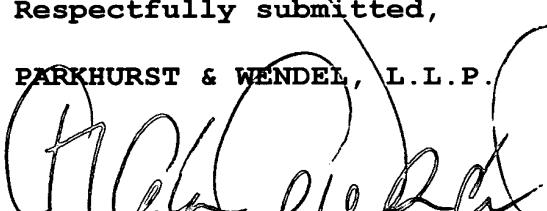
Enclosed herewith is a Declaration Under 37 CFR 1.132 of the inventor Dr. Ueno placing in sworn form the results reported in the paper filed September 23, 2002. It is respectfully submitted that the enclosed document establishes satisfactorily with sworn data and discussion the patentability of the claimed subject matter over the cited art.

In view of the foregoing remarks, it is respectfully submitted that the application is in immediate condition for allowance and a USPTO paper to those ends is earnestly solicited.

The Examiner is requested to telephone the undersigned if changes are required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

  
Charles A. Wendel  
Registration No. 24,453

March 18, 2003  
Date

CAW/ch

Enclosure:

Declaration Under 37 CFR 1.132  
Attorney Docket No.: SUGI:093  
PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220